

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASEY CUNNINGHAM et al.,

*Plaintiffs,*

v.

CORNELL UNIVERSITY et al.,

*Defendants.*

Civil Action No. 1:16-cv-6525-PKC

Hon. P. Kevin Castel

**DECLARATION OF BRIAN NETTER**

I, Brian Netter, submit this declaration in support of the motion to exclude Plaintiffs' experts Al Otto and Ty Minnich by defendants Cornell University, the Retirement Plan Oversight Committee, and Mary G. Opperman ("the Cornell Defendants"). I have personal knowledge of the facts set forth herein, except where otherwise noted, and would testify to such facts if called as a witness.

1. Attached hereto as **Exhibit A** are relevant excerpts of the transcript of the October 3, 2018 sworn deposition of Ty Minnich in this action.
2. Attached hereto as **Exhibit B** are relevant excerpts of the transcript of the August 10, 2018 sworn deposition of Adam Polacek in this action.
3. Attached hereto as **Exhibit C** are relevant excerpts of the transcript of the July 13, 2018 sworn deposition of Paul Bursic in this action.
4. Attached hereto as **Exhibit D** is a true and correct copy of the Expert Report of Al Otto, served by Plaintiffs on August 24, 2018 in this action.
5. Attached hereto as **Exhibit E** are relevant excerpts of the transcript of the October 10, 2018 sworn deposition of Al Otto in this action.
6. Attached hereto as **Exhibit F** is a true and correct copy of the Expert Report of Ty Minnich, served by Plaintiffs on August 24, 2018 in this action.
7. Attached hereto as **Exhibit G** is a true and correct copy of a document entitled "NSHE – Frequently Asked Questions," introduced in the Deposition of Al Otto as Exhibit 218.

8. Attached hereto as **Exhibit H** is a true and correct copy of the Expert Report of Glenn Poehler, served by Defendants on September 14, 2018 in this action.

9. Attached hereto as **Exhibit I** is a true and correct copy of a document entitled “Harvard Human Resources Benefits – Changes coming soon to TIAA Accounts in the Harvard University Retirement Programs,” and dated November 28, 2017, introduced in the Deposition of Ty Minnich as Exhibit 214.

10. Attached hereto as **Exhibit J** is a true and correct copy of a document entitled “Loyola University Chicago – Loyola University of Chicago Defined Contribution Retirement Plan,” introduced in the Deposition of Ty Minnich as Exhibit 220.

11. Attached hereto as **Exhibit K** is a true and correct copy of a document entitled “Northwell Health 403(b) Plan – Important Information Regarding Your Plan,” introduced in the Deposition of Ty Minnich as Exhibit 226.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 25, 2019

/s/ Brian Netter

Brian Netter